

JUDGE ROBINSON

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MONTAMER CORPORATION,

07 CIV 6531

Plaintiff,

ECF

-against-

NOTICE OF REMOVAL

HARTFORD INSURANCE COMPANY OF
THE MIDWEST,

Defendant.

Pursuant to 28 U.S.C. § 1446(a), the defendant, Hartford Insurance Company of

the Midwest ("Hartford") files this Notice of Removal for the above-captioned case to this Court and, in support of removal, respectfully states as follows:

1. Hartford is a defendant in a civil action filed on or about June 25, 2007 in the Supreme Court of the State of New York for the County of Rockland, styled as *Montamer Corporation v. Hartford Insurance Company of the Midwest*, bearing Index No. 5185/07 (the "State Court Action").

2. A copy of the summons and complaint was served on Hartford via the New York Secretary of State on or about July 6, 2007. Accordingly, this Notice of Removal is timely filed within thirty days after service of the summons and complaint under 28 U.S.C. § 1446(b).

3. Upon information and belief, Montamer Corporation's ("Montamer") principal place of business is 14 Hillside Avenue, West Nyack, New York 10994. (See

Montamer's summons, pg. 1 and complaint, copies of which are annexed hereto as Exhibit A).

4. Hartford is a corporation duly organized and existing under the laws of the State of Connecticut with its principal place of business in Hartford, Connecticut.

5. The State Court Action seeks payment from Hartford in the amount of \$676,196.51 pursuant to the terms and conditions of the insurance policy issued by Hartford for damages to Montamer's property in connection with a fire that occurred on March 25, 2006.

6. Removal of this action is proper under 28 U.S.C. § 1441(a) because this Court has original jurisdiction over the subject matter under 28 U.S.C. § 1332(a). Montamer and Hartford are diverse in citizenship and the amount in controversy exceeds \$75,000, exclusive of interest and costs. The state court in which the State Court Action was brought is located within the Southern District of New York.

7. The State Court Action does not fall within any class of actions which, under applicable rules, laws, or statutes, is prevented from or limited in the right of removal.

8. Pursuant to 28 U.S.C. § 1446(d), notice of the filing of this Notice of Removal is being given to all parties in the State Court Action by filing a Notice To Adverse Party Of Removal To Federal Court, along with a copy of this Notice Of Removal, in the State Court Action and by service upon the Plaintiff in accordance with applicable rules.

9. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings and orders served upon Hartford are attached hereto as Exhibit 1. Pursuant to Local Civil Rule 81.1(b), Hartford will file with the Clerk of this Court within twenty days a copy of all records and proceedings in the state court.

10. Hartford reserves the right to raise all defenses and objections in this action after the action is removed to this Court.

Dated: New York, New York
July 20, 2007

ROBINSON & COLE LLP

By 

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